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25
26 **UNITED STATES DISTRICT COURT**
27 **NORTHERN DISTRICT OF CALIFORNIA**
28 **SAN FRANCISCO DIVISION**

18 LARRY GOLDEN,
19 *Pro Se* Plaintiff,
20
21 v.
22 APPLE INC.,
23 Defendant.

Case No. 3:22-cv-04152-VC

**DEFENDANT'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
APPLE INC.'S MOTION TO DISMISS
COMPLAINT**

Hearing Date: October 6, 2022
Time: 9:30 a.m.
Place: Courtroom 4, 17th Floor
Judge: Hon. Vince Chhabria

1 Defendant Apple Inc. (“Apple”) submits this Request for Judicial Notice in support of
2 Apple’s Motion to Dismiss Plaintiff’s Complaint (“Motion”). Pursuant to Rule 201 of the Federal
3 Rules of Evidence, Apple requests that this Court take judicial notice of the existence and
4 authenticity of the court records and documents attached as Exhibits 1 through 15 to the
5 Declaration of Julia K. York in Support of Defendant Apple Inc.’s Motion to Dismiss. Each of
6 these Exhibits may be properly considered by the Court because they are incorporated by reference
7 in and integral to the claims alleged in Plaintiffs’ Complaint, are matters of public record, and/or
8 are matters that “can be accurately and readily determined from sources whose accuracy cannot
9 reasonably be questioned.” Fed. R. Evid. 201(b)

10 Courts may take judicial notice of matters of record in other proceedings. *Bennett v.*
11 *Medtronic, Inc.*, 285 F.3d 801, 803, n.2 (9th Cir. 2002); *United States v. S. California Edison Co.*,
12 300 F. Supp. 2d 964, 973 (E.D. Cal. 2004) (“Federal courts may ‘take notice of proceedings in
13 other courts, both within and without the federal judicial system, if those proceedings have a direct
14 relation to the matters at issue.’”) (quoting *U.S. ex rel Robinson Rancheria Citizens Council v.*
15 *Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992)).

16 Under Rule 401 of the Federal Rules of Evidence, the attached exhibits are relevant because
17 they show that Plaintiff previously filed *six* nearly-identical frivolous lawsuits in various federal
18 courts. Further, these exhibits show that in each of these cases, Plaintiff has been unsuccessful,
19 with each having been dismissed, some *with* prejudice.

1 DATED: August 30, 2022

**SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP**

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3 By: /s/ Jack P. DiCanio

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